IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4805 OF 2005

Ramesh Kumar Kedia s/o
Shri.Shankarlal Kedia ..Applicant

Vs.

State of Maharashtra & Anr. ...Respondents

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Mr.B.B.Parekh, Advocate for Applicant
Mr.R.S.Khadapkar, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 17,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned J.M.F.C.Dahanu in SCC No.154 of 2005. In the said case process is issued under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th

June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant states that the applicant is residing at Kanpur and hence, he prays that he the applicant may be granted five weeks time to file the necessary revision. Time granted as prayed for. In view of the statement that the revision will be filed within five weeks, the proceedings before the trial Court are stayed till then.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the

matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

7. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]